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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,673	11/10/2003	Satoshi Mizutani	20050/0200473-US0	4666
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DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER REICHLE, KARIN M	
			ART UNIT 3761	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,673

Applicant(s)

MIZUTANI ET AL.

Examiner

Karin M. Reichle

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-27,29,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) 4-18,21-27,29 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,19,20 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12-27-07 and 12-18-07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10-16-07 has been entered except as noted below.

Election/Restrictions

2. Claims 4-18, 21-27, 29 and 31 are still withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7-7-05. The layer configuration species of Figure 43, the pad and inner wrapping configuration species of Figure 6A, the outer wrapping configuration species of Figure 22, and the outer package configuration species of Figure 51 were elected.

Response to Amendment

3. The amendments to the specification filed 10-16-2007 do not comply with 37 CFR 1.121, i.e. the changes to the abstract have not been submitted on a separate sheet. Therefore,

such have not been entered. The substitute specification filed 11-13-06 still does not comply with 37 CFR 1.121, e.g. compare page 29, line 17 of the marked up copy of 11-13-06 and page 33, line 20 of the original specification and page 2, line 11 of the "clean" copy which is not clean. Note also paragraph 7, section 7 of the 8-6-05 Office Action. The amendments to the abstract filed 11-13-06 also still do not comply with 37 CFR 1.121, i.e. the text of the second paragraph of the abstract deleted is not that of the original, i.e. where are the numerals shown in the original shown as deleted. However such 11-13-06 amendments were entered. Therefore the following action is based on the substitute specification and abstract filed 11-13-06, and as amended 4-25-07, the Figures filed originally and 11-13-06 as well as 4-25-07 and 10-16-07, but see discussion infra with regard to the latter two, and the claims filed 10-16-07.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

For Example:

Drawings

4. The drawings were received on 4-25-07 and 10-16-07. These drawings are not approved by the Examiner. Figure 28 as proposed includes two lines of adhesive 16 at two locations. Where is the support for such as originally filed? Applicant has set forth the portion of the specification relied upon for such, i.e. page 38, lines 17-19 of the 11-10-05 original

specification. However such document does not exist, i.e. the original specification was filed 11-10-03 and page 38, lines 17-19 thereof do not discuss an adhesive. Again note MPEP 714.02, second to last paragraph. With regard to proposed Figure 7, Applicants have added folded forward portions and relies on Figures 1D and 3B for such. However, such Figures do not show the folded portions of the container are folded forward after being opened by means of the tape and therefore do not support such. It is further noted that Figures 3D and Figure 4 which show the folded portions after being opened do not show such portions folded forward. Therefore see the following paragraphs.

5. The drawings are objected to because in Figure 28, the adhesive, see page 40, last two lines, should still be denoted. The Figures and descriptions thereof throughout the specification should be carefully reviewed and revised, as necessary, to provide a consistent description both pictorially and textually. Applicant is thanked in advance for his/her assistance in placing the specification in consistent form. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet"

or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Description

6. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: the abstract, last sentence.

7. The disclosure is objected to because of the following informalities: The specification is still replete with informalities. For example: 1) The Summary of the Invention section, i.e. a description of the claimed invention, and the invention of the claims are still not commensurate in scope, see MPEP 608.01(d), especially in light of the amendments to claim 1. Note also 37 CFR 1.75(d)(1) and MPEP § 608.01(o). However also note the discussion infra. 2) Is the broken line 15 only provided in the rear face of the wrapping container? If so, how is the front face of the wrapping container divided as shown in Figure 7? It should be noted that the front face of the wrapping container, that is the container in its folded and closed position is believed to be as shown in Figures 1(D) or 3(B), i.e. how is tape 14 and sealed longitudinal ends on the front end torn? 3) It is also not unclear how the various "implementations" set forth in the portion of the Summary of the Invention section that has been relocated after the subtitle Detailed Description of the Invention, other than those that specifically refer to a specific Figure,

relate to the descriptions of the various embodiments which follow. 4) The portions of the relocated text referred to in 3) which clearly set forth certain Figures should be relocated to those portions of the description discussing those Figures. 5) At the very least, see the discussion *infra* in paragraphs 8-11 *infra*, a clear, consistent description of the invention should be set forth throughout the application. The specification should be carefully reviewed and revised, as necessary, to overcome all the informalities. Applicant is thanked in advance for the cooperation in placing the specification in proper form.

Appropriate correction is required.

Claim Objections

8. Claims 1, 19-20, and 32 are objected to because of the following informalities: In claim 1, line 3, "in-between" should be --in between--. On line 4, "tranverse" should be --transverse--. On line 9, should "a finger insertion portion" be --finger insertion portions-- instead? Also on the third to last line, "opened" should be --separated or divided-- to be consistent. On the last two lines, should "faces a portion...are attached" be --contacts the broken line of the wrapping sheet--instead to be consistent? Note also the discussion *infra*. Appropriate correction is required.

Claim Language Interpretation

9. The claim terminology is interpreted in light of the specific definitions in the paragraph at the top of page 17 of the amendment to page 29 of 4-25-07. Any other claim language not specifically defined has been interpreted in view of the usual and common meaning

of such, i.e. the dictionary definition. Also, as best understood, the terminology “wrapping body” refers to the combination of the wrapping container and the pad, and the “wrapping container” is the finished product of “wrapping sheet” without the pad. The terminology “mini sheet piece” is interpreted to require a piece which is a sheet of a size smaller than some other structure of the container. With regard to the terminology “affixed” and “attached”, such terminology includes indirect and/or direct affixation or attachment. With regard to claim 1, and thereby the claims which depend from such, see the discussion in paragraphs 7-8 supra and 10-11 infra as well as MPEP 2163.06, I. With regard to claim 32, it is noted that this claim only requires each mini sheet piece attachment at some point being at equal and opposing distances from the broken line.

Claim Rejections - 35 USC § 112

10. Claims 1, 19-20, 28, 30 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 1, the invention which is claimed on lines 1-2, i.e. a wrapping container for individually wrapping an interlabial pad, is inconsistent with that on lines 3 et seq, i.e. the container is claimed as including a pad, e.g. if the pad on lines 3 et seq is not the pad referred to on lines 1-2, how can the wrapper be capable of individually wrapping another pad yet if the pad on lines 3 et seq is the pad on lines 1-2, then the invention is a container which wraps a pad rather than just for wrapping a pad. Also, since the terminology “affixed” includes indirect and/or direct affixation, a clear antecedent basis for “the back sheet of the interlabial pad with the

affixed belt-like sheet" (third to last line) should be set forth, i.e. "with" should be --and-- (Note also the discussion in the following paragraph).

10. Claims 1, 19-20 and 32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 now requires a wrapping container for individually wrapping an interlabial pad, comprising an interlabial pad (Note the discussion in paragraphs 9-10 supra) having an elongated shape comprising a surface sheet, a back sheet, an absorbent body in between the surface sheet and the back sheet, and a belt-like sheet affixed (Note the discussion in paragraphs 9-10 supra) to each side (Note the back sheet has many different sides, e.g. transverse sides, the longitudinal sides, the body facing or top side, the side opposite the body facing side or lower side, etc.) of the back sheet along a transverse direction of the back sheet as well as a wrapping sheet, a broken line defining perforations disposed on the wrapping sheet for completely separating or dividing separable sections of the wrapping container into two, and a finger insertion portion (See discussion in paragraph 8, supra) formed by two mini sheet pieces that are each attached to one of the two separable sections of the wrapping container, wherein each of the two mini sheet pieces is attached to one of the two separable sections along first opposing edges of the mini sheet which first opposing edges are opposed along a first direction that is transverse to the broken line, each of the two mini sheet pieces is unattached along second opposing edges of the mini sheet, which second opposing edges are opposed along a second direction that is parallel to the broken line and each second opposing edge providing an opening

in combination with the one separable section for inserting and passing a finger therethrough, the surface sheet of the interlabial pad is in contact with the broken line of the wrapping sheet before the wrapping container is opened (Note the discussion in paragraph 8 supra), and the back sheet of the interlabial pad with the affixed belt-like sheet (Note the discussion in paragraph 10 supra) is on a side of the interlabial pad opposite to a side of the interlabial pad on which the surface sheet faces a portion of the wrapping sheet on which the two mini sheet pieces are attached (Note the discussion in paragraph 8 supra). While the specification as originally filed describes/supports a wrapping container for individually wrapping an interlabial pad which pad has an elongated shape comprising a liquid permeable surface sheet having a body faceable side and an opposite side, a liquid impermeable back sheet having a body faceable side and an opposite side, an absorbent body in between the surface sheet and the back sheet, and a belt-like mini sheet piece directly affixed to the opposite side of the back sheet along first opposing edges thereof which are opposed along a first transverse direction of the backsheet and pad and unattached along second opposing edges which are opposed along a second direction that is transverse to the first direction to provide an opening in combination with the opposite side of the back sheet for inserting and passing a finger therethrough in order to remove the pad from the container with one hand and insert and remove the pad from a wearer and the container comprising a wrapping sheet for enclosing the pad having an interior surface and an exterior surface, a broken line defining perforations disposed on the wrapping sheet for completely separating or dividing separable sections of the wrapping container into two separate sections, and finger insertion portions formed by two mini sheet pieces that are directly attached to the exterior surface of the two separable sections of the wrapping container, respectively, wherein

each of the two mini sheet pieces is attached to one of the two separable sections along first opposing edges of the mini sheet which first opposing edges are opposed along a first direction that is transverse to the broken line, each of the two mini sheet pieces is unattached along second opposing edges of the mini sheet, which second opposing edges are opposed along a second direction that is parallel to the broken line and each second opposing edge to provide an opening in combination with the exterior surface of the one separable section for inserting and passing a finger therethrough to mount the container on the other hand and permit the fingers to move apart along the first direction to separate and divide the container into two separate pieces so that the pad can be removed with the one hand and each separated section can be used to hygienically insert and/or remove a pad with a finger inserted into each finger insertion portion thereof to do so, the body faceable side of the surface sheet of the interlabial pad when contained being in contact with the broken line of the wrapping sheet before the wrapping container is divided and separated and facing a portion of the sheet which includes the finger insertion portions and the outer side of the back sheet of the interlabial pad with the affixed belt-like mini-sheet piece being on a side of the interlabial pad opposite to the body faceable side of the surface sheet so as to face away from the broken line and the portion of the sheet including the finger insertion portions surface sheet, at the very most (see discussion in paragraph 7, 5) supra), this is not what is now claimed. If Applicant maintains such claim language, the portion of the original specification which provides support for the entire scope of each claim in a single embodiment should be set forth.

Patentably Distinguishable Subject Matter

12. The prior art, alone or in any combination, do not teach the invention of claims 1, 19-20 and 32, as best understood, see discussion supra, i.e. the combination of an absorbent interlabial pad with a belt-like mini sheet piece finger insertion portion and a wrapper with a broken line and finger insertions portions as claimed wherein the finger portion of the pad faces in opposite direction from the finger insertion portions and broken line of the wrapping sheet when the latter individually wraps the former.

Response to Arguments

13. Applicant's remarks with regard to matters of form have been considered but are either deemed moot in that they have not been reraised or deemed not persuasive for the reasons discussed supra.

Conclusion


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (571) 272-4936. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Karin M. Reichle
Primary Examiner
Art Unit 3761

KMR
January 2, 2008